

**UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY**

WILFREDO TORRES
CHIEF PROBATION OFFICER

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September 25, 2012

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Honorable Dennis M. Cavanaugh
U.S. District Court Judge
Martin Luther King Jr. Federal Building & Courthouse
P.O. Box 0999
Newark, New Jersey 07102

**RE: SCOTT, Dwayne
Dkt. No. 12-00584-001
Notice of Noncompliance & Request For
Modification of Supervised Release
Conditions**

Dear Judge Cavanaugh:

On February 5, 2008, Dwayne Scott appeared before the Honorable Richard J. Arcara in the Western District of New York, and was sentenced to 52 months imprisonment followed by three years of supervised release after pleading guilty to being a felon in possession of a firearm. The offender was also ordered to pay a \$100 special assessment and abide by the following special conditions: 1) drug testing/treatment; 2) search and seizure; 3) order of protection; and 4) DNA collection. On September 6, 2011, the offender began his term under supervision.

On May 10, 2012, the special conditions were modified to include four months of participation in the location monitoring program due to Scott's failure to remain arrest free. On August 31, 2012, jurisdiction was transferred to Your Honor.

As outlined in the attached Probation Form 12B, the offender has failed to comply with the conditions of the location monitoring program. This office is recommending that the Court approve a sanction of six (6) months community confinement (Toler House) in Newark, New Jersey. The offender acknowledged violating the condition of location monitoring and signed a Waiver of Hearing (Form 49) agreeing to the modification. Unless Your Honor considers otherwise, we ask that you review the attached Form 49, Waiver of Hearing to Modify Conditions of Release, and sign the attached Probation Form 12B authorizing the modification. Please contact the undersigned officer at 973-885-3968 if you wish to discuss this matter.

Respectfully submitted,

**WILFREDO TORRES, Chief
U.S. Probation Officer**

Maureen Kelly
Digitally signed by Maureen Kelly
DN: cn=Maureen Kelly, o=U.S. Supervising U.S.
Probation Officer,
email=Maureen_Kelly@USP.uscourts.gov, c=US
Date: 2012.09.25 13:00:46 -0400
By: **JAMEL DORSEY**
U.S. Probation Officer

/jhd
Attachment(s)

United States District Court
for
District of New Jersey
Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Scott, Dwayne

Cr.: 12-00584-001
PACTS Number: 50158

Name of Sentencing Judicial Officer: Richard Arcara, Chief U.S. District Judge in Western District of New York
Name of Re-Assigned Judicial Officer: Dennis M. Cavanaugh, U.S. District Judge

Date of Original Sentence: 02/05/08
Reassigned: 08/31/12

Original Offense: Possession of a Firearm by a Convicted Felon

Original Sentence: 52 months imprisonment; 3 years supervised release; \$100 special assessment. Special conditions: 1) drug testing/treatment; 2) search and seizure; 3) order of protection; and 4) DNA collection.

Type of Supervision: Supervised Release Date Supervision Commenced: 09/06/11

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows.

The defendant shall reside for a period of six (6) months in a community corrections center, halfway house, or similar residential facility and shall observe all the rules of that facility. The defendant shall not be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.

CAUSE

The defendant failed to comply with the conditions of the location monitoring program by leaving his place of residence without permission on ten separate occasions.

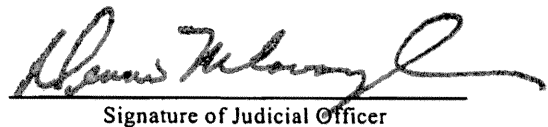
Respectfully submitted, **Maureen Kelly**

By: Jamel Dorsey, USPO
Date: 09/25/12

Digitally signed by Maureen Kelly
DN: cn=Maureen Kelly, o=US Probation
Office, email=Maureen_Kelly@USPO.uscourts.gov, c=US
Date: 2012.09.25 23:02:05 -0400

THE COURT ORDERS:

- [✓] The Modification of Conditions as Noted Above
[] No Action
[] Other


Signature of Judicial Officer

4 Oct. 2012
Date